

COUNTY COUNCIL

Jay Furfaro, Chair
Nadine K. Nakamura, Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk


Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

May 23, 2013

TO: Bernard P. Carvalho, Jr., Mayor

FROM: Jay Furfaro, Council Chair 

RE: **MAY 22, 2013, COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its May 22, 2013 Council Meeting:

CONSENT CALENDAR:

C 2013-186 Communication (05/08/2013) from the Mayor, submitting his supplemental budget communication for Fiscal Year 2013-2014 and proposed amendments to the budget bills, pursuant to Section 19.02A of the Kaua'i County Charter. *(Received for the Record.)*

C 2013-187 Communication (04/10/2013) from the County Engineer, transmitting for Council consideration, proposed amendments to Chapter 14, Kaua'i County Code 1987, as amended, relating to the Plumbing Code. *(Received for the Record.)*

C 2013-188 Communication (04/29/2013) from the Chief of Police, transmitting for Council consideration, proposed amendments to Chapters 16 and 19, Kaua'i County Code 1987, as amended, relating to abandoned vehicles. *(Received for the Record.)*

C 2013-189 Communication (05/07/2013) from the Director of Planning, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, As Amended, to clarify the process for approving or denying a proposed zoning amendment, increasing the processing fee for such amendments, and extending the timeline for decision making by the Planning Commission and County Council for such amendments. *(Received for the Record.)*

C 2013-190 Communication (05/07/2013) from the Director of Planning, transmitting the Planning Commission's recommendation to adjust fess charged and levied by the Planning Department, pursuant to Chapters 7, 8, and 9 of the Kaua'i County Code 1987, as amended, and to clarify procedures concerning the timing of renewals. ***(Received for the Record.)***

COMMUNICATIONS:

C 2013-182 Communication (04/23/2013) from Council Chair Furfaro, requesting the presence of the Director of Planning and the Prosecuting Attorney, to provide the Council with a briefing regarding the coordination of efforts between the Planning Department and the Office of the Prosecuting Attorney to enforce the Transient Vacation Rental (TVR) ordinances and their plans for dealing with the various enforcement issues raised by the public and Councilmembers. ***(Received for the Record.)***

C 2013-191 Communication (05/01/2013) from the Housing Director, requesting Council approval to sell a residential unit located at 2151B Kelikoli Street, #20, Līhu'e, under the Neighborhood Stabilization Program (NSP), TMK: (4) 3-3-003-037-0020, by leasehold to a participant of the Affordable Housing Program Waitlist whose household income does not exceed 120% of the Kaua'i Median Household Income (KMHI), and to authorize the County Clerk to sign legal documents related to the resale of this transaction. ***(Approved.)***

C 2013-192 Communication (05/03/2013) from the Chief of Police, requesting Council approval to apply, accept, and expend the Department of Justice, Office of Community Oriented Police Services (COPS) Hiring Program Grant in the amount of \$1,668,857.40 for the hiring of seven (7) additional officers to staff one (1) additional beat. ***(Approved application of grant only; subsequent Council approval required for acceptance and expenditure of grant funds.)***

C 2013-193 Communication (05/06/2013) from Jennifer S. Winn, Deputy County Attorney, transmitting for Council information the Quarterly Report on Settled Claims Against the County of Kaua'i from January 1, 2013 through March 31, 2013. ***(Received for the Record.)***

2013-194 Communication (05/06/2013) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of March 31, 2013, pursuant to Section 21 of the Fiscal Year 2012-2013 Operating Budget Ordinance No. B-2012-736 of the County of Kaua'i. ***(Received for the Record.)***

C 2013-195 Communication (05/07/2013) from the Hawai'i State Association of Counties (HSAC) President Mel Rapozo, transmitting for Council approval the slate of officers for the Executive Committee for HSAC and Board of Directors for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for Fiscal Year 2013-2014, pursuant to Section 5 of the Bylaws of the Hawai'i State Association of Counties, Inc. ***(Approved.)***

C 2013-196 Communication (05/08/2013) from Thomas Takatsuki, the Human Resources Manager, transmitting for Council information the list of all vacant positions for the County of Kaua'i as of March 31, 2013. *(Received for the Record.)*

C 2013-197 Communication (05/14/2013) from the County Attorney, requesting Council approval to expend up to \$10,000 for Special Counsel's continued services provided for the County of Kaua'i in Ricky L. Ball vs. Kaua'i Lagoons Resort Company, Ltd., et al., Civil No. 12-1-0289 JKW (Fifth Circuit Court), and related matters. *(Approved.)*

C 2013-198 Communication (05/14/2013) from the County Attorney, requesting Council approval to expend up to \$10,000 for Special Counsel's continued services provided for Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. *(Approved.)*

C 2013-199 Communication (05/14/2013) from the County Attorney, requesting Council approval to expend up to \$10,000 for Special Counsel's continued services provided for the County of Kaua'i in Jeffery Sampoang vs. Harvey Brothers, LLC; et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters. *(Approved.)*

LEGAL DOCUMENTS:

C 2013-200 Communication (04/01/2013) from Fay Rapozo, Homebuyer Coordinator, Housing Agency, recommending Council approval of the Release and Cancellation of Ho'okena Resale & Occupancy Restriction and Restrictions on Sale or Transfer, and Use for title insurance purposes for Unit No. 407, Ho'okena at Puhi.

- Release and Cancellation of Ho'okena Resale & Occupancy Restriction and Restrictions on Sale or Transfer, and Use *(Approved.)*

C 2013-201 Communication (05/01/2013) from the Executive on Transportation, recommending Council approval of a Right of Entry Agreement with Moloa'a Bay Hui II to provide a safe turn situated at 6020 Ko'olau Road, Anahola (TMK: 4-9-009-009), for the Kaua'i Bus at the Moloa'a Bus Stop.

- Right of Entry Agreement *(Approved.)*

C 2013-202 Communication (05/03/2013) from the Housing Director, recommending Council approval to execute a 10-year lease of the Historic Waimea Theater to the West Kaua'i Business and Professional Association (WKBPA) for Use, Management, Operation, and Maintenance of the Historic Waimea Theater.

- Amended and Restated Lease of the Waimea Theater *(Approved.)*

C 2013-203 Communication (05/03/2013) from the Housing Director, recommending Council approval for site control of the following, for Vitus Development, LLC, related to the Rice Camp Senior Housing Parcels, TMK: (4) 3-6-4:9 and TMK: (4) 3-6-9:1:

- 1) Establish Site Control for Vitus Development, LLC (Low Income Housing Tax Credits (LIHTC) financing requirement)
- 2) Right of Entry Agreement (to conduct pre-development work)
(Approved.)

CLAIMS:

C 2013-204 Communication (05/03/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Emily Ramos, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2013-205 Communication (05/06/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Insurance, as subrogee for Joy Buccat, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2013-206 Communication (05/06/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Enterprise Holdings, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2013-207 Communication (05/09/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Stanley Tomacder, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2013-54 – RESOLUTION ESTABLISHING STOP SIGNS AND STOP LINES ON OLOHENA ROAD AT ITS INTERSECTION WITH KA'APUNI ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA'I
(Received for the Record.)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2464) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Approved on 1st reading, Public Hearing scheduled for 06/26/2013, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2483) – A BILL FOR AN ORDINANCE AMENDING CHAPTERS 7, 8, AND 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ADJUSTMENT OF VARIOUS PERMITTING CHARGES AND FEES LEVIED BY THE DEPARTMENT OF PLANNING (County of Kaua'i, Applicant) (*Approved as Amended on 1st reading, Public Hearing scheduled for 06/26/2013, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2485) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (*Approved on 1st reading, Public Hearing scheduled for 06/26/2013, and referred to the Public Works / Parks & Recreation Committee.*)

Proposed Draft Bill (No. 2486) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16 AND CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ABANDONED VEHICLES (*Approved on 1st reading, Public Hearing scheduled for 06/26/2013, and referred to the Environmental Services / Public Safety / Community Assistance Committee.*)

BILL FOR SECOND READING:

BILL NO. 2460, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED "BUILDING CODE" (*See also CR-PWPR 2013-05; the Public Works/Parks & Recreation Committee recommended approval as amended to Bill No. 2460, Draft 1 on February 20, 2013.*) (*Deferred.*)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: Council
Via E-mail: KCT Department Heads
KCT CCs
Staff